

Federal Superfund Site Assessment Petition for the Citizens Manufactured Gas Site

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BY EMAIL and MAIL

Mr. Michael Regan, USEPA Administrator

Mr. Walter Mugdan, USEPA Region 2 Acting Administrator

Mr. Pat Evangelista, USEPA Region 2 Director, Superfund and Emergency Management Division

August 20, 2021

Re: Federal Superfund Site Assessment Petition for the Citizens Manufactured Gas Site (also known as Public Place and Gowanus Green)

In accordance with Section 105(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, the below Petitioners respectfully request USEPA Region 2 undertake a revised assessment of chemical contaminants present at, and potentially being released from, the former Citizens Manufacturing Gas Plant (MGP) site (the Site) for a Hazard Ranking Score and potential inclusion on the National Priorities List (NPL) as a Federal Superfund site. The Site is located in Brooklyn, New York, bounded by Fourth, Hoyt, Fifth, Smith, and Huntington Streets, and the Gowanus Canal.

One hundred years of burning coal to manufacture gas at the Site dates back to the 1860s. The gas was produced for household and other consumption, while byproduct coal tars and ammonia were used in nearby facilities to produce dyes. Both production processes left significant levels of dangerous chemicals in the area including benzene, toluene, ethylbenzene, xylene (BTEX), polycyclic aromatic compounds (PAH), naphthalene, and volatile organics, and contributed to listing of the Gowanus Canal as a Superfund Site in 2010.

Four limited-scale investigations were undertaken between 1984 and 1990, until finally in 2005 (25 years after the passage of the Superfund law) a full [Remedial Investigation/Feasibility Study](#) (RI/FS) was completed by Keyspan Energy, the successor in interest to the original plant owner and operator.

The 2005 RI/FS reported out to the public on August 8, 2005 documented “the presence of coal tar and dense non-aqueous phase liquid (DNAPL)” in all four Site parcels, several off-site locations, and beneath the surface at depths up to 150 feet. In addition, the RI/FS determined subsurface groundwater is transporting the BTEX, PAH, and other chemical constituents, which are entering into and transiting under the Gowanus Canal to soil on the opposite embankments.

A required Supplemental RI Scope of Work was submitted on October 31, 2005, to clarify the understanding of the vertical and lateral extent and continuity of contamination, as well as soil, groundwater, and soil vapor/indoor air sampling and analysis. This RI Investigation Scope appears also to have provided the Work Plan for a Supplemental RI performed by National Grid (another successor-in-interest), according to correspondence dated December 23, 2009. One more Supplemental Investigation design was outlined in correspondence from National Grid on November 2, 2012.

The full extent of potential exposure, exposure pathways, and risk to human health and the environment from contamination present on, in, and around the Citizens MGP Site has not been comprehensively evaluated with results fully disclosed to the public. It was not until five years after the first RI/FS was performed in 2005 that the significant and dangerous contamination in the Gowanus Canal was even partially characterized by USEPA, leading to a Hazard Ranking Score of 50 based solely on surface water exposure. The soil, groundwater, and air vapor exposures that were not assessed in the Gowanus Hazard Ranking Score (because the NPL listing standard of 28.5 was reached) are still a potential risk for the Citizens MGP Site.

While the Gowanus Superfund listing, investigation, and now cleanup have been ongoing, the [Citizens Site remedial response has been downgraded—less and less cleanup is planned](#) while uses with higher and higher exposure potential are delineated. The petitioners are long-time residents of the area, and are among the potential receptors through soil, ground and surface water, and air exposure pathways, including those from anticipated use of the Gowanus Canal once the waterbody is restored to fishable/swimmable status. The Brownfield remediation underway may not be sufficient for planned uses, and only a neutral hazard ranking score can fully evaluate the Site conditions to assure any plan to introduce more direct human exposure pathways does not risk health effects, especially to low-income residents.

The current Brownfield designation is also problematic, as New York City (which is seeking the rezoning to use the property for housing and a school) is the property owner, and also a Responsible Party in the Gowanus Superfund Cleanup. The same need for neutral federal oversight to assure remedy compliance at the Canal applies equally to the Citizens Site.

Although the preliminary assessment of the Citizens Site has been conducted, the Petitioners believe a full evaluation under the Federal Hazard Ranking System is warranted based on the nature, intensity, and extensiveness of known contamination to which they are exposed, coupled with the fact that the City of New York intends to rezone the site for the use of low-income residential housing and for a school. This documented use by the City of New York can pose a risk to human health and to the environment in the absence of a full USEPA hazard ranking evaluation and scoring for possible Federal Superfund Listing.

Thank you for your consideration of this petition, and we look forward to your response.

Katia Kelly
Linda LaViolette
Steve Marcus
Margaret Maugenest

CC:

The Honorable Charles Schumer
The Honorable Kirsten Gillibrand
The Honorable Nydia Velázquez
The Honorable Jerrold Nadler
The Honorable Jo Anne Simon
The Honorable Letitia James
The Honorable Jabari Brisport
The Honorable Todd Kaminsky
The Honorable Daniel G. Stec
The Honorable Pete Harckham
The Honorable Michelle Hinchey
The Honorable Anna M. Kaplan
The Honorable Brian Kavanaugh
The Honorable John W. Mannion
The Honorable Rachel May
The Honorable Anthony H. Palumbo
The Honorable Patty Ritchie
The Honorable Jose M. Serrano
The Honorable Marcela Mitaynes
The Honorable Jumaane Williams
The Honorable James F. Gennaro
The Honorable Eric A. Ulrich
The Honorable Darma V. Diaz
The Honorable Carlos Menchaca
Jaime Pinkham, Assistant Secretary of the Army for Civil Works, USACE

Deanne Criswell, Administrator, FEMA
Sean W. O'Donnell, Inspector General, USEPA
Lawrence Starfield, Acting Assistant Administrator, Office of Enforcement and Compliance Assurance, USEPA
Brenda Mallory, Chair, Council on Environmental Quality, Executive Office of the President
Cecilia R. Martinez, Senior Director for Environmental Justice, CEQ, EOP
Matthew Tejada, Director, Office of Environmental Justice, USEPA
Charles Lee, Senior Policy Advisor, Office of Environmental Justice, USEPA
Barry Breen, Acting Assistant Administrator, Office of Land and Emergency Management, USEPA
Radhika Fox, Principal Deputy Assistant Administrator, Office of Water, USEPA
Stephen E. Murphy, Deputy Regional Administrator HUD
Letizia Tagliafierro, NYS Inspector General
Margot Brown, AVP, Environmental Justice & Equity, Environmental Defense Fund
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